

Remarks

Currently Claims 11, 15 and 25-28 are pending. Claims 1-10, 12-13, and 16-24 are cancelled herein, without prejudice. Applicants expressly reserve the right to file one or more continuation or divisional applications directed toward the subject matter of those claims. New claims 25-28, support for which may be found throughout Applicants specification, including at pages 7-9, page 12, line 9 through page 14, line 29 and the claims as originally filed. No new matter is added. Entry of the foregoing amendments is respectfully requested.

Restriction Requirement

The Examiner has required restriction among the following groups:

Group (I): claims 1-11, 15, 17-18 to compounds and compositions and process of making them;

Group (II): claim 23 drawn to a method for treating depressive states and anxiety;

Group (III): claim 24 drawn to a method of treating emesis;

Group (IV): claim 22, drawn to a method of treating CNS disorders not in group II and III;

Group (V): claims 19-21, drawn to method for treating a condition mediated by tachykinin.

Following the foregoing amendment, Applicants respectfully submit that new claims 25-26 and 28 correspond to Group (I) and new claim 27 corresponds to Groups II, III and IV.

Applicants hereby elect the claims of the Examiner's Group I, claims 11, 15, 25-26 and 28 for prosecution on the merits at this time. This election is made without traverse to the extent that the foregoing amendment is entered. Applicants expressly reserve the right to file one or more divisional and/or continuation applications as appropriate, directed toward cancelled claims.

Applicants respectfully request that the Groups II-V, now claim 27, re-joined with Group I pursuant to 37 C.F.R. 1.141, upon finding a generic claim to be allowable.

Responsive to the requirement of an election of a single species, Applicants hereby elect the species 4-(S)-Dimethylamino-2-(R)-(4-fluoro-2-methyl-phenyl)-piperidine-1-carboxylic acid [1-(R)-(3,5-bis-trifluoromethyl-phenyl)-ethyl]-methylamide.

Claims 11, 15, 25-28 are generic to this species. The election of a single disclosed species is made to facilitate the Examiner's search. The election is made without traverse on the understanding that examination of the full scope of the claim will proceed upon finding the elected species allowable.

Applicants respectfully submit that the instant application is in condition for substantive examination, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8222, to discuss this case, if desired.

Respectfully submitted,



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